

## **SECTION 10.3**

### **OVERTIME/COMPENSATORY TIME**

#### **A. General Provisions**

Pursuant to the provisions of Article 157.021(b), Local Government Code, the following rules are adopted by the Commissioners' Court of Jefferson County, concerning overtime and compensatory time:

1. Unbudgeted Overtime. A department head or other supervisor shall not authorize an employee to incur overtime or compensatory time above any budgeted amount in the current county budget. An employee shall not work overtime or compensatory time above any budgeted amount in the current county budget. Before authorizing any overtime or compensatory time, a department head or other supervisor shall confirm with the County Auditor that budgeted overtime is available.
2. Emergency Overtime. The Commissioners' Court may declare an emergency and approve emergency overtime. An Elected Official may declare an emergency and approve emergency overtime until such emergency overtime can be presented for review at a meeting of Commissioners' Court. An emergency is an unforeseeable event that constitutes an immediate threat to life or property. Any authorized emergency overtime shall be immediately reported to the County Auditor and the Commissioners' Court with a statement that describes the emergency.
3. Violations of Overtime Rules. Any violation of these overtime rules shall be reported in writing to the Commissioners' Court. Violations by a county employee may result in disciplinary action, including a written reprimand, suspension without pay, or termination from employment with the County. Violations by an elected county official may result in legal action for removal from office.

#### **B. Procedures/Rules**

1. Non-exempt employees shall be entitled to earn overtime compensation at one and one-half (1½) times their regular rate of pay for time actually worked in excess of forty (40) hours per week. Such overtime compensation may be paid in cash (subject to the availability of budgeted funds) or upon the agreement of the employee and the Department Head/Elected Official, the overtime will be awarded in accordance with section B.5 of this policy.
2. For purposes of this policy, paid sick leave, personal leave time and other approved paid leave time **shall not be considered time worked.** However, holiday time, compensatory time, funeral leave and vacation time shall be considered time worked. Whenever an employee is required to work overtime in a week where he/she has taken sick leave or paid leave time, other than specified above, the employee shall not be eligible for the overtime rate until he/she has actually worked forty (40) hours.

3. Hours worked in excess of the employee's normally scheduled workweek shall be compensated at straight time rates until a total forty (40) hours has been reached. Whenever possible, any time worked over the daily regularly scheduled hours by non-exempt employees should be taken off within the same reporting week that it is worked.
4. The Department Head/Elected Official may designate non-exempt employees to work an adjusted workweek not to exceed forty (40) hours per week. Such employees are considered "flexible hour employees."
5. The Department Head/Elected Official may, in lieu of cash payments for all actual hours worked in excess of forty (40) hours per week, award compensatory time calculated at one and one-half (1½) times the excess hours worked. The accumulation of compensatory time should not exceed 80 hours for non-law enforcement employees and 160 hours for law enforcement employees. Any non-exempt employee agreeing to accept compensatory time should sign the form included with this policy (Attachment A).
6. Any employee required to work on one of the recognized County Holidays is entitled to receive compensation at the rate of one and one-half (1½) times his or her usual rate of pay for any hours worked on the holiday (not to exceed eight hours), in addition to receiving his or her regular holiday pay. The premium rate of pay (1½ times the regular rate) shall not be considered in determining an employee's regular rate of pay for the purposes of calculating overtime compensation which may accrue in such workweek.
7. All accrued compensatory time must be paid out in cash in the following instances:
  - When an employee transfers from one County department to another;
  - When an employee is promoted from a non-exempt position to an exempt position;
  - Nothing herein shall prohibit the County from paying out or paying down the compensatory time balance of any employee at any time.
8. Compensatory time earned is not transferable between employees.
9. A Department Head/Elected Official may require an employee to use accumulated compensatory time when it is in the best interests of the County. Otherwise, an employee may schedule compensatory time off when it is not disruptive to the business interests of the County, and the Department Head Elected Official must grant the time off within a reasonable period of time.
10. All questions concerning hours worked, overtime compensation, exempt/non-exempt status or any other matters covered by the FLSA should be directed to the Human Resources Department.

**C. Overtime Approval**

1. Overtime must be authorized by the Department Head/Elected Official or immediate Supervisor in advance of the overtime being worked.
2. Unusual or emergency circumstances may require employees to work overtime without having prior authorization. Whenever such circumstances occur, the employee may be paid overtime or awarded compensatory time with the approval of the Department Head/Elected Official or designee.
3. Scheduled overtime, which is subsequently cancelled for any reason, shall not entitle the employee to overtime compensation.

**D. On-Call Duties**

1. Certain positions as designated by the Department Head/Elected Official will be on an on-call status. On-call status may require an employee to carry a pager or to leave a number where they can be reached.
2. If the employees designated as on-call are free to pursue their own activities and the only stipulation is that they be available for on-call duties, as required, then they will not be compensated for any time while on-call.
3. If an on-call status employee is directed to perform their duties, then they will be compensated for all time spent performing their duties from the time he leaves his home or other location to the directed area assigned until he returns to his home or previous location.

**E. Travel Time**

The following guidelines should be used in calculating hours worked while traveling for non-exempt employees:

1. If the travel is local and occurs during the employee's workday, it is generally considered hours worked (although normal home-to-work travel time is excluded).
2. If the travel is to an out-of-town location and occurs in one day, all the time spent traveling between cities should be counted as hours worked.
3. If the travel is to an out-of-town location and requires an overnight stay, only those traveling hours which take place during the employee's regular workday must be counted.
4. Travel during regular working hours on a non-work day (such as a weekend) counts as hours worked.

**F. Obligation to Work Overtime**

All Jefferson County employees are required to work overtime when requested by management, unless the employee has a valid excuse acceptable to the County.